



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: EMV-054.01

In re patent application of

SYKEN, JOSH et al.

Serial No. 09/908,992

Filed: July 19, 2001

For: METHODS AND REAGENTS TO REGULATE APOPTOSIS

#5

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

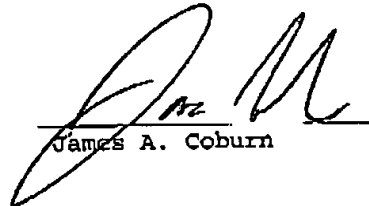
Serial No. 09/908,992

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Nov. 2, 2001
Date

HARBOR CONSULTING
Intellectual Property Services
1500A Lafayette Road
Suite 262
Portsmouth, N.H.
800-318-3021


James A. Coburn



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/908,992	07/19/2001	Josh Syken	HMV-054.01

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

CONFIRMATION NO. 6851

FORMALITIES LETTER



OC000000006386977

Date Mailed: 08/06/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/14/2002 TBESHAM1 00000220 09908992

FILED UNDER 37 CFR 1.53(b)

02 FC:201
03 FC:205

370.00 OP
65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 420.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

RECEIVED

AUG 08 2001

PATENT DEPT.
DOCKETING

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



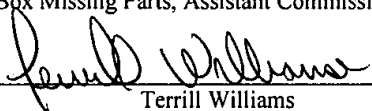
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Syken et al.	Examiner: To be assigned
Serial No: 09/908,992	Art Unit: 1632
Filed: July 19, 2001	Attorney Docket No. HMV-054.01
For: <i>Methods and Reagents to Regulate Apoptosis</i>	

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on November 2, 2001.


Terrill Williams

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:


Enclosed herewith is a response to the Notice to File Missing Parts dated August 6, 2001. In response to the Notice, enclosed is a check in the amount of \$435.00 (which includes a small entity filing fee of \$370.00 and a surcharge of \$65.00). This response also includes the requested executed Declarations and the Sequence Listing with supporting Statement.

As the Response to the Notice to File Missing Parts was due on October 6, 2001, the Applicant encloses a Petition for One-Month Extension of Time and corresponding extension fee. If there is any further fee due, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

Respectfully submitted,

~~01/14/2002 TBESHAH1 00000220 09908992~~
~~01-FC-215~~ 55.00 0P

Patent Group
FOLEY, HOAG & ELIOT, LLP
One Post Office Square
Boston, MA 02109-2170
Telephone: (617) 832-1000
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By: 
Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Attorney for Applicants

Dated: November 2, 2001
20/478391.1

FREE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 490

Complete if Known

Application Number	09/908,992
Filing Date	7/19/01
First Named Inventor	Syken et al.
Examiner Name	Not yet assigned
Group / Art Unit	1632
Attorney Docket No.	HMV-054.01

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 06-1448

Deposit Account Name: Foley, Hoag & Eliot, LLP

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Large Entity (\$)	Small Fee Code	Small Entity (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 370)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20 ** = 0	9	0
Independent Claims: 3	-3 ** = 0	42	0
Multiple Dependent: 0		140	0

Large Fee Code	Large Entity (\$)	Small Fee Code	Small Entity (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Large Entity (\$)	Small Fee Code	Small Entity (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 120)

SUBMITTED BY

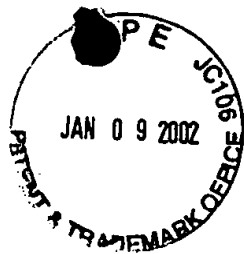
Name (Print/Type)	Isabelle M. Clauss	Registration No. Attorney/Agent)	47,326	Telephone	617-832-1000
Signature	<i>I. Clauss</i>			Date	11/2/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**FOLEY
HOAG**
ATTORNEYS AT LAW



N sec
Bot sec

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November 2, 2001
Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

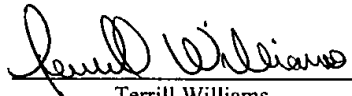

Re: U.S. Patent Application No: 09/908,992
Entitled: *Methods and Reagents to Regulate Apoptosis*
Filed: July 19, 2001
By: Syken et al.
Atty Ref: HMV-054.01

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. A copy of Notice to File Missing Parts of Nonprovisional Application;
2. Response to Notice to File Missing Parts;
3. Fee Transmittal;
4. Check in the amount of \$435.00 for filing and surcharge fees;
5. Executed Declarations for Patent Application (4 pages);
6. Paper and electronic copy of Sequence Listing;
7. Statement to Support Filing and Submission in Accordance with 37 C.F.R. § 1.821-1.825;
8. Petition for One-Month Extension of Time;
9. Check in the amount of \$55.00 for extension of time; and
10. Return receipt postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

Certificate of First Class Mailing	
<p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:</p> <p><u>November 2, 2001</u> Date</p> <p> Terrill Williams</p>	<p>Respectfully submitted, FOLEY, HOAG & ELIOT LLP</p> <p> Isabelle M. Clauss, Ph.D. Reg. No. 47,326 Attorney for Applicants Customer ID No. 25181</p>

20/478349.1